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WESLACO POLICE DEPARTMENT

GENERAL ORDER 7-05 AMENDS 7-89 EFFECTIVE 05/01/05

JAIL AND DETENTION PROCEDURES

I. PURPOSE AND POLICY

A. Purpose

The Weslaco Police Department operates a Municipal Jail for the detention of adults charged with felonies and misdemeanors until their release or their transfer to the county jail or other criminal justice agency. The Weslaco Police Department also has an agreement with the Texas Department of Public Safety as well as the U.S. Customs and Border Protection for the temporary housing of their prisoners. Additionally, persons convicted of class C misdemeanors may be required to serve time in jail as a means of paying off court ordered fines and costs.

B. Policy

The policies set forth in the Jail and Detention procedures are established to assist department employees in determining appropriate practices in dealing with the day to day operations of the facility. The procedures are as complete as necessary however, since it is impossible to cover every conceivable incident that a member of this department may encounter during day-to-day activities, much is left to the intelligence, common sense and discretionary judgment of the individual.

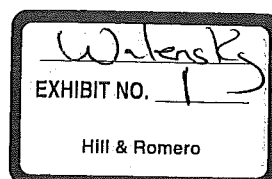
C. Standard Operating Procedures

The Jail and Detention Procedures will be maintained and updated at the discretion of the Chief of Police or the jail supervisor. The jail supervisor will also be responsible for updating the manual and distributing the procedures to all jail employees. Jail employees will maintain proficiency with all jail and detention procedures.

II. COMMAND AND RESPONSIBILITY

A. Command

The Weslaco City Jail is commanded by the assigned lieutenant and is accountable to the Chief of Police.



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B. Supervision

The jail will be overseen by the bailiff or jailer supervisor who reports directly to the lieutenant assigned to command the jail. In the absence of the commander and bailiff, the patrol watch commander will be responsible for the jail.

- C. Jailers are the primary providers of care and custody of inmates of the Weslaco City jail. They are responsible for the day to day operations of the jail including the transporting of prisoners to the county jail.

III. RESPONSIBILITIES OF PERSONNEL

- A. In addition to the Rules and Regulations and the General Orders of the Weslaco Police Department, personnel assigned to the jail will be responsible for the duties specified in any applicable job description for their position.

B. Jail Commander

1. Oversee all jail operational activities during his/her tour of duty, ensuring that all operations are in accordance with departmental rules, regulations and any applicable laws.
2. Ensure that necessary supplies are available.
3. Conduct weekly facility inspections for sanitation and security reasons.
4. Oversee jail personnel, scheduling and supplies necessary for daily operation.

C. Jailers

1. Control access and egress to and from the jail area.
2. Screen citizens prior to visitation with metal detector and ensure non contact visitation.
3. Ensure that dispatcher maintains visual observation of destructive or violent inmates via the video system in dispatch.
4. Stores and accounts for inmate personal property during their incarceration.
5. Meets arresting officer at the prisoner drop off for reception of the prisoner.
6. Processes and conducts booking procedures as identified in this policy or as required.
7. Detains inmates in holding cells and monitors their welfare.
8. Returns property to inmates upon their release and ensures all property is returned.
9. Assists in moving inmates to and from the arraignment room.
10. Transports prisoners to the county jail facility after arraignment, and ensures that all prisoners' property and necessary documentation/paperwork is transported as well.
11. Completes the daily jail log accordingly with any pertinent information entered.
12. Conducts routine checks of unoccupied cells for contraband and cleanliness.

D. Uniform Clothing Standards

1. All jail personnel must wear the standard jail uniform during the performance of assigned duties. No jail uniform or any part thereof may be worn when the jailer is not in an on-duty status or performing approved jail employment.
2. The standard jail uniform will be one as directed by the Chief of Police.

IV. RECORDS AND REPORTS

A. Official Records

1. Information contained in detainees records is confidential and will be treated as such. Allowing access to records or divulging their contents is prohibited, except to authorized criminal justice agencies, their employees or through the release of information in accordance with departmental rules, procedures and policy.
2. Incidents occurring in the jail facility will be documented on a WPD 56 Miscellaneous Incident Report for serious matters and incidents. These will include but not be limited to fights, medical attention, disturbances and contraband found inside the jail if it cannot be related to an already existing case number.
3. A daily jail log will be completed to show documentation of dispensed medications, jail visitations, jailer on duty/off duty, prisoner transports and any other action or occurrence for reference.
4. A phone log will be kept of all inmate calls.

V. JAIL SECURITY

A. General

1. The security of the Weslaco Jail will be maintained at all times to ensure the protection of the public, jail personnel and inmates.
2. All jail security measures cited in the Weslaco Police Department General Orders and Rules and Regulations shall be adhered to.
3. Only authorized persons are allowed inside the jail facility. It will be generally limited to inmates and essential personnel. This includes jailers, police officers and other law enforcement personnel from other agencies on or for other legitimate reasons. Civilians will not be allowed inside the jail facility except for approved visitation, legal counsel, and search of a female prisoner or other legitimate reason as approved by the jailer or supervisor on duty.
4. All doors leading into and out of the jail facility will be closed and secured at all times.
5. The jail has a video system throughout the jail facility for surveillance to ensure the safety and security of the jail as well as the inmates. This will be monitored by communications personnel.

B. Weapons control.

1. No person shall be allowed to have a weapon in their possession when entering the jail except during emergency situations.
2. Weapons shall be secured inside a weapons lock box located outside the jail or in the trunk of the officer's vehicle.
3. Officers shall abide by procedures outlined in departmental Rules and Regulations and general orders regarding the removal and securing of weapons. This includes but is not limited to duty firearms, back up firearms and straight/expandable batons.
4. Jailers will not permit entry to the jail to any person observed or known to be carrying a weapon. A written report will be submitted (departmental memo) by the jailer to the jail commander and the jail commander will be notified immediately when a person refuses to comply with the duty to remove all weapons from the jail.

IV. USE OF FORCE

A. Excessive Force Prohibited. Use of physical force is at times required to accomplish a legitimate objective in jail operations, but any unjust, arbitrary, or excessive use of force is a violation of an inmates civil rights and is expressly prohibited. Excessive, inappropriate or unlawful use of force will likely subject jail personnel and the department to civil liability and may also subject jail personnel to criminal liability as well as departmental discipline.

B. Departmental Rules, Regulations and General Orders apply. Jail personnel must read Departmental rules, regulations and policies regarding Use of Force and understand:

1. The difference between non-deadly force and deadly force.
2. The difference between the authority of peace officers to use force and the authority of civilian jailers who are not peace officers relating to use of non-deadly force.
3. When they are authorized to use O.C. spray that is issued to them and procedures for reporting the use of force.

C. Restrictions and limitations.

1. Civilian jail personnel may only use deadly force in defense against the unlawful use of deadly force being used against them or another person when they reasonably believe there is an immediate threat of death or serious bodily injury.
2. Under normal circumstances only physical strength and skill, handcuffs, leg irons or other authorized restraining devices may be used by jail personnel to apply force. Batons or other weapons are prohibited as they pose a serious threat to jail security and personal safety.

3. Civilian jail personnel should request assistance from officer's present in the jail area or police department to deal with any resistance by a prisoner.
4. Inmates who are secured in a cell will not be placed in handcuffs or leg irons nor will they be deprived of all clothing, unless necessary to prevent injury to themselves or damage to jail property.
5. All civilian jail personnel are required to carry their issued O.C. spray at all times while on duty.
6. Police officers, jailers and inmates can de-contaminate themselves from O.C. spray by using the shower in the booking area.
7. Inmates will not be left alone during the de-contamination process.

#### V. EMERGENCY SITUATIONS

- A. In the event of fire or other need to evacuate the jail area, the following steps should be taken if they can be done safely.
  1. The primary responsibility of the jailers is the protection and saving of human life. The removal of inmates to a safe location takes precedence over all else. All actions by jail personnel should be done quickly and decisively, without hint of panic or confusion. The appearance of being in complete control provides an extra measure of security and positive direction for the task at hand.
  2. Notify dispatch of the emergency if they are not already aware and request assistance.
  3. Collect all jail cards and other agency prisoner cards to ensure all prisoners are evacuated, time permitting. Special attention will be given to those who pose a threat to the jail staff, officers and other prisoners. Prisoners will be secured in the jail van and/or patrol cars accordingly until the emergency is over.
  3. Male and female prisoners will be kept separate at all times.
- B. Death in the Jail. If a death occurs in the jail, personnel will immediately call for E.M.S., administer emergency first aid while awaiting the arrival of E.M.S. and notify the on duty supervisor as well as the chain of command.
  1. When the person is confirmed deceased by emergency medical personnel, jail staff will:
    - a. secure the area and preserve the scene until relieved by field personnel or investigators;
    - b. conducts a general lock up of all inmates and suspend any visitation;
    - c. not allow anyone other than a paramedic/E.M.T., investigator, or Medical Examiner to move the body;
    - d. complete a thorough, detailed report regarding the incident and include the name(s) of anyone confined with the prisoner, or visitation of the prisoner prior to the death;
    - e. not allow anyone to leave until approved by the investigator or jail commander;
    - f. Assist departmental personnel in filling out custodial death report as required by state law.

2. The on duty supervisor will:

- a. Ensure that the chain of command has been notified as well as C.I.D.
- b. Temporarily suspend visitations and releases.
- c. Ensure the scene is protected and secured and that all procedures have been implemented.
- d. Allow only essential personnel into the jail area regarding the investigation.
- e. Complete a detailed report regarding the incident as well as any other involved employees.

C. Emergency Medical Needs of Prisoners.

1. When a inmate is discovered or reported to have an injury or need of medical attention, the jailer will:
  - a. request E.M.S. if necessary;
  - b. immediately render first aid if necessary;
  - c. request a supervisor;
  - d. document the incident on the jail daily log;
  - e. The jailer will ensure that a police officer escorts the inmate to the hospital.
  - f. If an inmate requires transportation to a medical facility and was arrested by another agency other than the Weslaco Police Department, that agency will be notified. It will be the responsibility of that agency to provide custodial security. Our officer will be relieved upon their arrival.
2. Prescription Medication.
  - a. If an inmate advises jail staff that they possess a current valid prescription medication that they need to take, the jailer will record all relevant information in the daily jail log and provide the medication to the inmate under the following guidelines:
  - b. All medication must be in its original container as provided by the pharmacy, prescribed to the inmate with a valid date;
  - c. Only the required dosage will be given at the required time;
  - d. If the medication is not with the inmate, he/she will be allowed to call someone to bring in the medication.
  - e. All opportunities within reason will be taken to ensure that an inmate will have access to needed medications during their incarceration at the Weslaco Police Jail.
3. Inmates with lice or communicable diseases.
  - a. Inmates suffering from any condition such as but not limited to head lice, body lice, A.I.D.S., tuberculosis, scabies, or other communicable disease will be kept segregated from the rest of the inmate population. If segregation is not possible due to population of the jail, the afflicted inmate will be transported to the county jail (unless class C) so as not to expose other inmates to the condition and the department to civil liability.



- b. Bedding and blankets will be removed and laundered prior to return. The mattress will be sanitized as well.

## VI. INMATE SUPERVISION

### A. Welfare checks, counts and cell procedures.

1. A count of prisoners will be made at the beginning of every jailers shift and matched to the board. If the count is off, the error will be found and corrected. If an inmate is found to be unaccounted for, the supervisor on duty will be notified immediately as well as the jail commander. An immediate search of the building will be conducted.
2. A welfare check of all inmates will be made every thirty minutes.
3. No jailer will enter an inmate occupied cell alone except when, in an emergency, the jailer can confirm before entry that no threat exists to the jailer. In all other instances, jail staff will obtain assistance before entering a cell with an inmate.
4. No inmate will be permitted to supervise or assume any authority over any other inmate.

### B. Female inmates.

1. Inmates of the opposite sex will be segregated from one another. This applies from the time the inmate arrives at the police department, through the booking process and when being transported to any other facility.
2. Jail personnel will not intentionally make inmate welfare checks, which intrude on an inmates right to privacy. Jailers should announce their presence before entering cell blocks occupied by the opposite sex inmates to avoid unduly embarrassing inmates at these times. The announcement requirement does not apply to jailers supervising same sex inmates.

### C. General visitation rules.

1. Jailers will not withhold visitation privileges from any inmate unless:
  - a. The visit represents a security risk to the Weslaco Jail and the jailer can articulate the reason(s) for so believing. This will be documented in the daily jail log.
  - b. The inmate to be visited is still intoxicated or combative.
  - c. The inmate has failed to identify himself/herself.
2. All visitors must present and temporarily surrender a valid and acceptable form of identification to the jailer on duty and information will be entered into the jail log.

D. Professional and personal visitations.

1. "Professional visits" are those sought for the purpose of conducting business with the inmate by lawyers, clergy, mental health/medical professionals and governmental representatives, including those of foreign governments.
2. Professional visits will be conducted in a single cell if so requested and if it is determined that the visit does not represent an unjustifiable risk to the Weslaco Jail. These visits are limited to one professional at a time. The visiting person must submit to a search of their person or belongings, including briefcases, portfolios and any other items the professional wants to take into the jail.
3. Standard visits will be conducted in the booking area and will be non-contact.
  - a. Jailers will meet the professional or visitor in the lobby and personally conduct a metal detector sweep of the person.
  - b. In the presence of the professional the jailer will then search all items the professional wishes to bring into the jail. This will occur in the lobby area and not inside the jail. The search is restricted only to detect possible contraband or weapons. Under no circumstances will jail personnel read or scan legal papers or other written instruments. No curiosity will be shown about any item in the professional's belongings that is not suspected of being a potential weapon or contraband.
4. Visitation times will be from 10:00 a.m. to 4:00 p.m. daily except during arraignments, meal times or under other exceptional circumstances. Standard visits will be limited to 15 minutes. Professional visits will not generally be limited by a specific amount of time, however, they should not interfere with jail operations.
5. Visits from professionals are strictly confidential and will be treated as such. No jailer will make any effort to monitor such visits unless requested to do so in writing by the professional.
6. No outside food or drink is to be brought to the jail by a visitor unless it is required to accompany medication approved for the inmate.

E. Prisoner telephone access.

1. Incoming inmates will be permitted at least two (2) telephone calls as part of the booking process.
  - a. Local calls will made from the counter phone after the booking process.
  - b. Inmates wishing to make a long distance call will need to do so collect.
  - c. Phone calls will be logged down on the inmate call log sheet.
  - d. Inmates will be provided with a directory upon request.
  - e. Combative or highly intoxicated inmates may not be allowed the privilege of the telephone until they are no longer inebriated or combative. Phone refusal will be documented on the jail log.
  - f. Inmates will not be allowed to make any calls within one (1) hour of transport to the county jail or other facility from the Weslaco Jail.



## VII. BOOKING PROCEDURES

### A. Booking procedures.

1. Meet the arresting/transporting officer, help secure the incoming inmate and provide a holding cell if necessary.
2. Search the inmate. Place all property on the booking counter. Inmate(s) should remain handcuffed during this process. Pat down on same sex inmates only.
  - a. Give located weapons or contraband immediately to the arresting/transporting officer for disposition.
  - b. Document on a supplement report and jail log if any deadly weapon or potential weapon is found.
  - c. Scan the inmate with a metal detector. If the inmate is combative or violent they will remain handcuffed.
  - d. Instruct the inmate to remove his/her shoes. Place shoes in the proper holding area.
3. Inventory the inmate's property, have him/her sign for the property and secure in a property bag in the presence of the inmate and staple shut. Jailer will also sign the booking card indicating he/she confirmed the contents.
4. Complete the booking card and arrest/detention report fields accordingly. Complete the medical questionnaire (WPD-23) as well. Inmates requiring medical attention will be seen by E.M.S. and treated accordingly. No inmate will be denied medical attention. Subjects believed to be suffering from mental illness and presenting a danger to themselves or others will be evaluated by a supervisor for possible section 26.
5. Ensure the arresting/transporting officer has provided all specific charges for the inmate to be booked in. One inmate will be booked in per jailer/officer. Pending bookings will be searched, property inventoried and secured in a holding cell pending the booking process.
6. All inmates will be fingerprinted on a W.P.D. fingerprint card regardless of the classification of the offense. Inmates charged with class B misdemeanors and above will have a TRN completed to include fingerprints. The highest charge will be put on the original TRN and any lesser charges put on the TRN supplement.
7. All required booking information will then be entered into the Jail Management System via the booking computer to include inmate photos.
8. The release of inmates due to time served/fine paid/transfer to other facility will require the inmate to be booked out of the Jail Management System via the booking computer.

B. Adult and Juvenile cells.

1. The Weslaco Police Department Jail has Juvenile as well as Adult holding cells. The juvenile processing area has been designated by the Hidalgo County Juvenile Board and Juvenile Court as a place where Weslaco Police Officers may take a juvenile for limited, short term custody. The juvenile holding room will serve as the juvenile processing office for the temporary detention of juveniles taken into custody under section 52.01 of the Texas Family Code.
2. As per section 52.025, a child may be detained at the Weslaco Police Department's holding room under the following conditions and only for:
  - a. the return of the child to the custody of the person under section 52.02(a)(1) of this code;
  - b. The completion of essential forms and records required by the juvenile court of this title;
  - c. The photographing and fingerprinting of the child if otherwise authorized at the time of the temporary detention by this title;
  - d. The issuance of warnings to the child as required or permitted by this title; or
  - e. The receipt of a statement by the child under section 51.09(b) of this code.
  - f. A child shall not be left unattended in a juvenile processing office and is entitled to be accompanied by the child's parent, guardian or other custodian or by the child's attorney.
  - g. A child may not be detained in a juvenile processing office longer than six (6) hours; however, the Weslaco Police Department's policy limits this stay to four (4) hours.
  - h. Furthermore, under no circumstances are adult prisoners to be brought into the juvenile processing area.
  - i. When placed into one of the juvenile holding rooms, jailers will conduct welfare checks on the juvenile every 15 minutes
  - j. Additionally, a juvenile in custody will at no time be exposed in any way, manner or form to an adult offender while in custody.
3. The observation cell (drunk tank) is for the temporary holding of intoxicated inmates. Intoxicated inmates will remain in this cell and will not be transferred to the main or a single cell until they are coherent and pose no obvious hazard to themselves or others. Inmates who are intoxicated and continue to be disorderly, will remain in the observation cell. This cell will be a male only cell.
4. The single cells will be used for inmates who are injured (medically cleared or pre existing), have communicable diseases or conditions, suicidal, combative or violent. These two single cells may also be used for the isolation of suspects prior to questioning after arrest.
5. The main cell is for the housing of non intoxicated and non violent inmates serving time for class C misdemeanors or waiting to be transferred to another facility.
6. The female cell is for the housing of all female inmates.

VIII. INMATE TRANSPORTS

- A. Procedures for transporting inmates to other facilities.
1. When an inmate is transported to the Hidalgo County Jail or other jail facility, the jailer will ensure that the following documentation accompanies the inmate:
    - a. Copy of magistrates warning
    - b. Order of commitment (original signed and sealed).
    - c. Complaint (copy).
    - d. Warrant (copy)
    - e. Police department arrest report (copy).
    - f. TRN # information – when applicable
    - g. CCH/Computer Criminal History print out.
  2. Jailers will carefully determine an inmates identity by routine adherence to the following checklist on each inmate.
    - a. Race
    - b. Sex
    - c. Nationality
    - d. Age
    - e. Physical description
    - f. Scars, marks, tattoos
  3. Ask the inmate to provide the following information and compare the answers To the booking information to ensure the correct inmate is being processed out.
    - a. Full name
    - b. Date of birth
    - c. Place of birth
    - d. Current address
    - e. Social security number
    - f. Drivers license number
  4. When an inmate is released/transferred from the Weslaco jail, the releasing jailer will locate the inmate's property bag and any other property and inventory the items in the presence of the inmate who will then sign the booking card indicating all property is present and accounted for.
    - a. If the inmate is to be transferred to another facility, all property will be sacked, sealed and transported to the facility. As per the H.C.S.O. jails request, the only thing that will be turned over to the inmate will be any and all money prior to transport.
    - b. If the inmate is being released, they will be given their property and escorted outside.
    - c. Any claim of lost, missing or stolen property belonging to an inmate will be referred to the shift supervisor.

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5. If a subject to be transported to the county jail or other facility is a high profile prisoner (murderer, cartel affiliated, organized crime, potential witness to major crime) the jailer will request an escort from the supervisor on duty and notify the jail commander. Escort will be provided and arranged by a supervisor and or the jail commander.

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